



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Richard Mendoza, Director, Public Works Department  
Ken Snipes, Director, Austin Resource Recovery Department

**DATE:** July 29, 2020

**SUBJECT:** Underpass Clean-up Process update, Council Agenda Item #74

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The purpose of this memo is to provide you with an update on the City's underpass clean-up process associated with Council Agenda Item #74, where staff is asking for approval of a contract with the current service provider to continue these services.

### **Background**

The City of Austin assumed the role of cleaning at various underpass locations in spring 2019 after TxDOT announced they would no longer be performing this service. The process involves removing trash and debris under highway underpasses at least once per month to help ensure public health and safety.

### **Cleaning Process**

Contracted crews conduct cleanings with oversight from Public Works staff and assistance from the Austin Police Department. Signs are posted at least 72 hours in advance and staff work closely with individuals at these locations to ensure personal items can be stored or removed from the area. Storage bags for personal items and trash bags are provided to residents in these locations in advance of the cleaning process. Areas cleaned include more than 50 underpass locations along I-35, US 290/71, Mopac/Loop 1 and US 183.

### **COVID-19 Impact to Process**

The cleanings were paused in March 2020 in light of the COVID-19 pandemic. Crews now wear additional safety protection, and provide residents living in these locations with masks and water prior to each cleaning. Cleanings resumed June 8, 2020.

### **Personal Items**

The cleanings are not intended to remove personal items. Staff do not remove tents or any items left in the provided storage bags. Only items that are considered trash, debris or unsafe are removed.

### **Impact to Individuals Experiencing Homelessness**




These are routine cleanings and should not be characterized as "sweeps" designed to remove anyone living at these locations. The process has been in place for more than a year with very

few incidents involving people living at these locations. Lately, people living in these areas have placed bagged trash at some locations for cleaning crews to collect. This shows progress in our effort to keep these areas safe and clean for all residents.

**July 29 Council Agenda Item #74**

Staff is asking for approval of a contract with the current service provider to continue these services. The original contract was for \$390,000. As this process has continued, the amount of debris collected has increased, requiring additional resources. Item 74 asks for approval of a one-year initial terms for \$575,000, with the option to extend for the next two years at the same rate (totaling three years, \$1,725,000). Funding is provided by the Public Works, Austin Resource Recovery and Austin Transportation departments.

Please feel free to contact me if you have any questions.

 <b>PUBLIC WORKS</b>		<b>PUBLIC WORKS DEPARTMENT</b> <b>POLICIES &amp; PROCEDURES</b>					
<b>SUBJECT:</b>		CITY OF AUSTIN UNDERPASS CLEANUP OPERATIONS AND SERVICES			<b>No:</b>		PW-OPS-BU-01
<b>EFFECTIVE DATE:</b>		NOVEMBER 4, 2019	<b>REVISED DATE</b>	MAY 14, 2020	<b>APWA PRACTICE(S)</b>		NONE
<b>ORIGINATING DIVISION:</b>		OFFICE OF THE DIRECTOR	<b>OPERATING BRANCH</b>	OPERATIONS			
		<b>PREPARED BY:</b> GUMECINDO LOPEZ FORESTRY SPECIALIST OPERATIONS GROUP	<b>REVIEWED BY:</b> CITY OF AUSTIN LEGAL ENCAMPMENT CLEANUP WORKING GROUP		<b>APPROVED BY:</b> JAMES M. SNOW, CCP, ASSISTANT DIRECTOR, BUSINESS ENTERPRISES		
<b>DIRECTOR APPROVAL:</b>		RICHARD MENDOZA, P.E., DIRECTOR 					

### 1.0 Purpose

The purpose of this procedure is to outline the process and establish responsibilities for cleanup of the public right of way areas underneath state-owned/TxDOT-managed bridges and overpasses in Austin, where homeless encampments are located. This procedure also provides direction to the agencies involved in inspecting and cleaning the areas.

The primary goal of the cleaning process is to help ensure the public right-of-way is as clean and safe as possible for all residents not to remove any individuals who may be camping at underpass locations.

### 2.0 References

- 2.1 This procedure should be read in conjunction with applicable sections of City Code and applicable administrative rules adopted under City Code Chapter 2-1. City Code and administrative rules govern in the event of a conflict with this policy. Applicable City Code sections and administrative rules include:
  - 2.1.1 City Code Section 9-4-11 addressing camping in public areas;
  - 2.1.2 City Code Section 25-6-267 addressing obstructions on public property; and
  - 2.1.3 Administrative Rules entitled "Rules for Public Use of City Property" effective September 21, 2015, addressing public use of City property.
- 2.2 City of Austin Administrative Bulletin No. 11-04 addresses inappropriate conduct by the public on City property and governs in the event of a conflict with this policy.
- 2.3 City of Austin Homeless Encampment Protocol.

### 3.0 Definitions

- 3.1 **Camp or Camping:** means the use of a public area for living accommodation purposes including:
  - 3.1.1 storing personal belongings for an extended period of time;
  - 3.1.2 making a campfire;
  - 3.1.3 using a tent or shelter or other structure for a living accommodation
  - 3.1.4 carrying on cooking activities; or
  - 3.1.5 digging or earth-breaking activities.
- 3.2 **Encampment:** means one or more tent, structure, or assembly of camping equipment or personal property located in an identifiable area within the City of Austin, which appears to a reasonable person as being used for camping. Encampments do not include sites a reasonable person would conclude are no longer in use for camping because remaining materials are garbage, debris, or waste.

- 3.3 **Immediate hazard:** means an encampment where people camping outdoors are at risk of serious injury or death beyond that caused by increased exposure to the elements or their presence creates a risk of serious injury or death to others; including but not limited to encampments at highway shoulders and off-ramps, areas exposed to moving vehicles, areas that can only be accessed by crossing driving lanes outside of a legal crosswalk, and areas prone to flooding or wildfire.
- 3.4 **Obstruction:** means personal property, garbage, debris or other objects related to an encampment that interfere with the pedestrian or transportation purposes of public rights-of-way; or interfere with areas that are necessary for or essential to the intended use of a public property or facility.
- 3.5 **Personal Property:** means an item that is reasonably recognizable as belonging to a person; has apparent utility in its present condition and circumstances; and is not an unsafe item. Examples of personal property include but are not limited to identification, personal papers and documents, tents, bicycles, radios and other electronic equipment, eyeglasses, over the counter or prescription medications, photographs, jewelry, crutches, and wheelchairs. Personal property generally does not include building materials such as wood products, metal, pallets, or rigid plastic. The relevant staff member will determine whether an item is personal property, and in cases when the status of an item cannot reasonably be determined in the staff member's judgment based on the totality of the circumstances, the staff member will treat the item as personal property under this rule.
- 3.6 **Unsafe Item:** means an item that, based on the determination of the relevant staff member, poses an existing or potential health or safety risk, including an environmental or fire risk. An unsafe item includes an item that is wet, soiled, bug-infested, flammable, reactive, corrosive, toxic, contaminated with biohazardous substances such as blood or human waste, or sharp-edged such as needles. An unsafe item also includes any couch, mattress, or other indoor furniture made of fabric or other permeable material that is, or is likely to become, wet, soiled, bug-infested, or contaminated. What would otherwise be considered Personal Property may be determined to be an unsafe item if it cannot be safely separated from garbage, debris, waste, or another item described by this section.

**Treatment under this Procedure:** All Unsafe Items will be removed and disposed of in the appropriate waste facilities or receptacles.

- 3.7 **Unattended City-Provided Bag:** A bag provided by the City before cleanup (whether directly by a city employee or by the City's cleanup contractor on behalf of the City) (which may be referred to as a "BE Safe / BE Seen Bag") for individuals to place any personal property items and that has been left unattended in the cleanup area after the time for the cleanup, as stated in a notice posted in accordance with this procedure.

**Treatment under this Procedure:** An Unattended City-Provided Bag will not be disposed of as debris or garbage. An Unattended City-Provided Bag will be left at the site after cleanup services conclude.

- 3.8 **Unattended Personal Property:** Any item of Personal Property not contained in a City-provided bag and left unattended in a cleanup area after the designated time for the cleanup, as stated in a notice posted in accordance with this procedure. Personal Property items that may be found unattended in the cleanup area may include large or bulky items that do not fit into a City-provided bag, and that a person has failed to remove from the cleanup area prior to the designated cleanup time. Note however that Unattended Personal Property can be a personal property item of any size.

**Treatment under this Procedure:** Unattended Personal Property will not be disposed of unless staff determines that the item is an Unsafe Item. Unattended Personal Property (that does not present a health and safety risk or a potential health and safety risk) will be left at the site after cleanup services conclude.



**3.9 Obstruction:** means personal property, garbage, debris or other objects related to an encampment that interfere with the pedestrian or transportation purposes of public rights-of-way; or interfere with areas that are necessary for or essential to the intended use of a public property or facility.

**3.10 Staff or staff member:** The terms staff and staff member are interchangeable and refer primarily to both the city staff as well as employees of the City of Austin and its Public Works Department, the City's cleanup contractor and any subcontractors.

#### **4.0 Roles and Responsibilities**

**4.1 Public Works:** Provide service oversight, outline and establish process and standards, and coordinate with other agencies regarding all aspects of support of the services provided.

**4.2 TxDOT:** Share information and collaborate with the City of Austin in support of the cleanup services provided.

**4.3 Contractor:** Perform the services outlined in the contractor's contract, in accordance with the schedule and as directed by Public Works.

**4.4 Austin Police Department:** Provide assistance within the cleanup services to keep the peace.

**4.5 Other Coordinating Agencies:** Other service agencies (Austin Travis County Emergency Management Services, Community Court, and Integral Care) will provide support services for individuals temporarily affected or displaced during the time of services. Provision of these support services does not preclude these agencies from providing other services or communications before, during or after cleanup services. Services may include, and are not limited to, providing informational services and literature, giving individuals health checkups, ensuring that the agencies' list of displaced individuals, and the Homelessness Management Information System, contains the current contact information of the individuals located in the encampments.

#### **5.0 Process Steps**

##### **5.1 Schedule of Services**

**5.1.1** Public Works will develop an overall schedule of services. This base schedule will provide service dates and locations for each month of service and may be adjusted based on guidance from City Council, available resources, and various city events.

**5.1.2** Public Works will distribute to appropriate agencies, by the end of the third week of the month prior to services, the upcoming month's schedule of services.

**5.1.3** Public Works will provide updates of any changes or adjustments to each monthly schedule in as timely a manner as possible.

**5.1.4** Example of a Monthly Schedule is included in **Attachment #1**.

##### **5.2 Notice of Services**

**5.2.1** Public Works will post notice of an upcoming cleanup at least 72 hours prior to the time designated as the cleanup time.

**5.2.2** The language in a notice will conform to the standard form for notices provided in this procedure as **Attachment #2**.

**5.2.3** Public Works Public Affairs Office (PAO) will review all notices prior to posting for conformance with the standard form as well as accuracy. In addition to the requisite language in the standard form notice, notices may also contain information other service information approved by PW PAO.

**5.2.4** This procedure's **Attachment #2** provides a 72-Hour Notice standard form example.

**5.2.5** No staff member may perform cleanup services at a location unless 72 hours have passed after posting of the notice required under this procedure at the location to be cleaned.

**5.2.6** Staff will photograph the actual notice posted at each cleanup location.

### 5.3 Expectation and Guidance for Police during Implementation of Cleanup Services

- 5.3.1 District representatives' main objective is to "keep the peace" and ensure the safety of all individuals, city employees, contract employees, and citizens during the delivery of services.
- 5.3.2 Officers should maintain a position that allows visual and auditory monitoring of the cleanup area.
- 5.3.3 Officers should not be involved in the disposal of any property during the cleanups.
- 5.3.4 This procedure does not preclude a police officer from performing any law enforcement duties.

### 5.4 Implementations at Service Site

- 5.4.1 Staff of Public Works, the City's cleanup contractor, Austin Police, and any other services providers assisting with the cleanup will assemble at the designated coordination site prior to implementation of cleanup services during each day of the cleanup services.
- 5.4.2 The group will move out as a team to each cleanup site.
- 5.4.3 Once the team has arrived at the cleanup site, individuals located at the site will be provided with any requested or needed, City-provided bags (which may be referred to as "BE Safe / BE Seen Bags"), so that individuals can place any personal property items in the bag, such as medications, personal identification, photographs, and other key documents.
- 5.4.4 At the designated time for cleanup stated in a notice posted in accordance with this procedure, before implementing cleanup services, staff will give the individuals at a site a reminder, and a reasonable amount of time, to move any other items out of the cleanup area that they would like to take with them before the cleanup begins.
- 5.4.5 All city and contract staff members will conduct cleanup services only in accordance with this procedure.
- 5.4.6 Steps:
  - 1. The cleanup area will be cleared of individuals.
  - 2. Staff will photograph the entire cleanup area site.
  - 3. Barricades and signage will be erected to designate the area as a City of Austin work zone.
  - 4. A designated staff person will inspect all property left unattended in the cleanup area and make the following determinations and identifications:
    - a. Identify all Personal Property items that pose a health and safety risk or a potential health and safety risk as an "**Unsafe Item**."
    - b. Identify all Personal Property items that do not pose a risk to health and safety or a potential health and safety risk as "**Unattended Personal Property**."
    - c. Identify all unattended City-provided bags in which individuals have placed personal property items such as key possessions, medications, documents, photographs, or personal identifications as an "**Unattended City-Provided Bag**."
  - 4. *For each item identified as an **Unsafe Item** (determined by staff to pose a health and safety risk or a potential health and safety risk), staff will remove the item for transport to the appropriate disposal facility. **ALL UNSAFE ITEMS SHALL BE REMOVED FROM SITE AND TRANSPORTED TO THE APPROPRIATE FACILITY FOR DISPOSAL IMMEDIATELY.***

5. For each item identified as **Unattended Personal Property** (that staff has determined does not or is not likely to pose a health and safety risk), staff will leave the item on site after cleanup activities conclude. **ALL UNATTENDED PERSONAL PROPERTY (items that pose no health and safety risk or potential risk) WILL REMAIN AT SITE AFTER CLEANUP.**
  6. For each item identified as an **Unattended City-Provided Bag** containing personal items), staff will leave the bag on site after cleanup activities conclude. **ALL UNATTENDED CITY-PROVIDED BAGS REMAIN ON SITE AFTER CLEANUP.**
  7. Staff will remove all remaining debris and garbage or trash for transport to the appropriate disposal facility.
  8. Staff will photograph the entire cleanup area site.
- 5.5 Expectations Regarding Items Temporarily Moved and Set Aside During Cleanup Activities
- 5.5.1 The City and its contractor provide cleanup services for health and safety purposes.
  - 5.5.2 The goal of the City-managed cleaning process is not to remove any individuals who may be camping at underpass locations — rather, it is to help ensure the public right-of-way is as clean and safe as possible for all residents.
  - 5.5.3 Staff will only temporarily store, hold or collect items identified as Unattended Personal Property or an Unattended City-Provided Bag for the purposes of clearing the cleanup area to allow for cleaning, and, provided the item is not determined to be unsafe, will make every effort to leave the item back in or near its original location after cleanup activities conclude.
- 5.6 Expectations Regarding the Handling of Unsafe Items and Mixed Items
- 5.6.1 Staff members have no obligation to handle, set aside, or leave at the site after cleanup, any Personal Property item that poses a health and safety risk, or is reasonably expected to pose a health and safety risk (for example, wet clothing or bedding materials).
  - 5.6.2 Staff members have no obligation to handle, separate from any other item, set aside, or leave at the site after cleanup, any Personal Property item that contains inside it an Unsafe Item (for example, a needle-strewn tent) or that is mixed, combined, commingled, or intertwined with an Unsafe Item, if handling and separating items cannot be done safely. If staff cannot safely separate an Unsafe Item from an otherwise safe Personal Property Item, then will consider the Personal Property Item to be an Unsafe Item, and safely remove both items for disposal.
- 5.7 Expectation and Guidance for Outreach of Services
- 5.7.1 Public Works will coordinate with EMS, Community Court, and Integral Care to afford opportunity to reach out to individuals that reside beneath the underpasses and provide them information, health checks, and other services during the temporary displacement.
  - 5.7.2 Services provided by EMS, Community Court, and Integral Care will focus on the individuals that have been temporarily displaced during the cleanup. The City's Public Works Department and its contractor are not involved in the provision of these services.
- 5.8 Post Services / Reporting
- 5.8.1 Once cleanup services are complete, the cleanup team will move onto the next site for the day.
  - 5.8.2 Public Works will provide a weekly report to the Homelessness Work Group on the upcoming cleanup activities and the cleanup activities that have taken place.
  - 5.8.3 Public Works will provide a monthly summary report of services and key metrics to the Homelessness Work Groups.



## **6.0 Attachments**

- 6.1 Attachment #1 – Example Monthly Schedule
- 6.2 Attachment #2 – Example 72 Hour Notice



PUBLIC WORKS  
ENCAMPMENT SCHEDULE  
MARCH 2020

LOCATION	SERVICE DATES	NOTICE
TOTAL LOCATIONS:	SCHEDULED	DATE
<b>GROUP 3: TRACT 1 (GRAND AVENUE TO RUNDBERG): 5 SITES TUESDAY MARCH 3</b>		
<b>TRACT 1: IH35 TRACT 1 (6 Sites)</b>		
Grand Avenue	3/3/2020	2/29/2020
Wells Branch	3/3/2020	2/29/2020
Howard Lane	3/3/2020	2/29/2020
Parmer Lane	3/3/2020	2/29/2020
Rundberg	3/3/2020	2/29/2020
Braker Lane	3/3/2020	2/29/2020
<b>GROUP 5: 13 SITES THURSDAY MARCH 5</b>		
<b>TRACT 5: US183/LP1 (5 Sites)</b>		
MoPAC Interchange	3/5/2020	2/29/2020
LP 360	3/5/2020	2/29/2020
LP 360 to Loop 1	3/5/2020	2/29/2020
Braker	3/5/2020	2/29/2020
Parmer Lane	3/5/2020	2/29/2020
<b>TRACT 8: US183 BRIDGES UNDERNEATH (9 Sites) THURSDAY MARCH 5</b>		
Anderson Lane Access Road / Cameron Road	3/5/2020	2/29/2020
Great Hills Overpass	3/5/2020	2/29/2020
Balcones Overpass	3/5/2020	2/29/2020
Braker Lane Overpass	3/5/2020	2/29/2020
Duval Road Overpass	3/5/2020	2/29/2020
Oak Knoll Overpass	3/5/2020	2/29/2020
Ponds Springs Road Overpass	3/5/2020	2/29/2020
Spicewood Springs Overpass	3/5/2020	2/29/2020
Anderson Mill Overpass	3/5/2020	2/29/2020
Lake Creek Pkwy	3/5/2020	2/29/2020
<b>GROUP 2:</b>		
<b>TRACT 4: US183 (6 Sites) MARCH 10</b>		
Cameron Road Underpass and Access Road	3/10/2020	3/6/2020
I35	3/10/2020	3/6/2020
Northcrest / Georgian	3/10/2020	3/6/2020
N Lamar	3/10/2020	3/6/2020
Anderson Sq	3/10/2020	3/6/2020
Fairfield	3/10/2020	3/6/2020
<b>TRACT 1: IH35 TRACT 1 (5 Sites) MARCH 12</b>		
US 183	3/12/2019	3/6/2020
IH-35/51st	3/12/2019	3/6/2020
US 290 - Entrance Ramp south of Huntland Dr - Lincoln Village	3/12/2019	3/6/2020
Airport	3/12/2019	3/6/2020
MLK Exit (Lower Deck)	3/12/2019	3/6/2020
<b>TRACT 6: US290/SS69 (4 Sites) MARCH 12</b>		
Cameron Road	3/12/2019	3/6/2020
Berkman	3/12/2019	3/6/2020
I35	3/12/2019	3/6/2020
Airport Blvd	3/12/2019	3/6/2020
<b>SUPPLEMENTAL CLEANUPS &amp; SPOT CLEAN-UPS</b>		
<b>CITY WIDE (9 Sites)</b>		
Liberty Park / MOPAC (Email by Citizen)	3/5/2020	2/29/2020
6700 Wild Street (APD)	3/10/2020	3/6/2020
E Riverside Dr / S Pleasant Valley Rd Median (CSR)	3/27/2020	3/21/2020
Lamar / LP-360 (APD)	3/24/2020	3/21/2020
Congress / Ben White-US71 (CSR)	3/11/20 - 3/31/20	3/6/20 - 3/28/20
Manchaca / Ben White-US71 (CSR)	3/11/20 - 3/31/20	3/6/20 - 3/28/20
Lamar - Median Across from Cavenders - (APD)	3/24/2020	3/20/2020
Ben White / IH-35 South - Omni Hotel - (APD)	3/24/2020	3/20/2020
Tillery / Gonzales - 7th St. Underpass (APD)	3/13/2020	3/6/2020
Ben White / IH-35 North - IRS Building - (APD)	3/26/2020	3/20/2020



# **Notice of Clean-up**

**Beginning: WEDNESDAY November 20<sup>th</sup> 2019**  
**8:30A.M. or Later**

**The City of Austin will clean-up the area of:**  
**IH-35 / AIRPORT BLVD**

- 1. PLEASE REMOVE ALL ITEMS PRIOR TO THE DATE AND TIME SPECIFIED.**
- 2. DEBRIS, TRASH AND UNSAFE ITEMS IN THE RIGHT OF WAY WILL BE REMOVED INCLUDING METAL, PLASTIC, WOOD, PALLET STRUCTURES, INDOOR FURNITURE AND MATTRESSES.**

**POSTED ON:**